

JAN 13 2011

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JULIA C. DUDLEY, CLERK
BY: *J. C. Dudley*
DEPUTY CLERK

UNITED STATES OF AMERICA,) Criminal Action No.: 7:07cr00029-1
)
)
v.) ORDER
)
RANDALL A. MONEYMAKER.)
)
)
)

In accordance with the accompanying Memorandum Opinion, it is hereby **ORDERED** and **ADJUDGED** that the government's motion to dismiss (Dkt. No.: 152) is **GRANTED** and the Moneymaker's motion to vacate (Dkt no.: 126) (which supersedes Dkt. No.: 123), pursuant to 28 U.S.C. § 2255, is hereby **DISMISSED**. This action shall be **STRICKEN** from the active docket of the court.

Further, finding that Moneymaker has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to the parties.

ENTER: This 13th day of January, 2010.

James C. Turk
Senior United States District Judge